

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 9, 2000

DIVISION ONE

B126209 Barbanell (Not for Publication)
v.
Martinis et al.

We affirm the order denying defendants JNOV. We reverse the order granting defendants a new trial. We remand the case for the trial court to enter judgment on the jury verdict in Barbanell's favor. Barbanell is entitled to his costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Aragon, J. (Assigned)

DIVISION TWO

B133184 Sawyer et al. (Not for Publication)
v.
MCM Construction Company

The judgment is affirmed. Respondent(s) to recover costs.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

August 9, 2000-Continued

DIVISION TWO (Continued)

B133474 Hillbish (Not for Publication)
v.
Dunleavy et al.

The judgment is affirmed. Todaro shall recover her costs from Dunleavy; the parties shall otherwise bear their own costs.

Cooper, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

B135120 San Gabriel Valley Water (Certified for Publication)
v.
Hartford Accident & Indemnity

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B132892 People (Not for Publication)
v.
Pouche

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

August 9, 2000-Continued

DIVISION THREE

B127079 People (Not for Publication)
v.
Stephens

The judgment is modified to reflect three five-year enhancements pursuant to Penal Code section 667, subdivision (a)(1), rather than four. The clerk of the superior court is ordered upon issuance of the remittitur to modify the abstract of judgment accordingly, and to forward a copy of the modified judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B135000 Los Angeles County, D.C.F.S. (Certified for Publication)
v.
Derek S.

The appeal is dismissed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B136038 Los Angeles County, D.C.F.S. (Certified for Publication)
 v.
 Maria L.

The appeal from the orders discontinuing visitation, denying substitution of counsel, and denying a continuance is dismissed as untimely. The order terminating parental rights is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Grignon, Acting P.J., Godoy Perez, J., Weisman, J. (Assigned) and J. Belcher, Deputy Clerk.

B135245 People
 v.
 Baudilio Perez

Merits:
Argued by Diane E. Berley for appellant and by Victoria Bedrossian, deputy attorney general, for respondent. Cause submitted.

The court recessed at 9:05 A.M.

Court reconvened at 9:15 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B136304 People v. Huerta
B138518 People v. Chapple
B135281 People v. Hayes
B139015 D.C.F.S. v. German T.

Argument waived, cause submitted.

B134542 People
 v.
 Linda Brown

Merits:

Argued by Paul L. Hoffman for appellant and by Renee Rich, deputy attorney general, for respondent. Cause submitted.

B134792 Betty Manlin
 v.
 Beverly Hartunian et al.

Merits:

Argued by Matthew H. Tampor for appellant Gary Hartunian and by Roger A.S. Manlin for respondent. Thomas M. Geher appeared for appellant Beverly Hartunian and advised the court the matter was settled as to this appellant and that a request for dismissal will be filed. Cause submitted.

B135839 State of Michigan
 v.
 James Rosenwald III

Merits:

Argued by Norman Pine for appellant and by Susan Skelding, deputy district attorney, for respondent. Cause submitted.

DIVISION FIVE (Continued)

B132438 Lorenza Bell et al.
 v.
 Huntington Provider Group et al.

Merits:
Argued by Glenn W. Troost for appellants and by Jonathon Cohn and T. Joshua Ritz for respondents. Cause submitted.

B135740 Sheri McGlothen
 v.
 Gavin De Becker, Inc.

Merits:
Argued by Sheri McGlothen, appellant in pro per, and by Thomas F. Kirchoff for respondent. Cause submitted.

B141816 Vicki Riechers
 v.
 Superior Court, Los Angeles County
 (Apple One Employment Services, Ltd., et al., r.p.i.)

Merits:
Argued by Harry Chamberlain for petitioner and by Kenneth P. Roberts for real parties in interest. Cause submitted.

B131023 Gerri Oshry
 v.
 Statewide Auto Sales etc.

Merits:
Argued by Neil C. Evans for appellant and by Robert F. Brennan for respondent. Cause submitted.

The court recessed at 11:50 A.M.

DIVISION FIVE (Continued)

The court reconvened at 11:55 A.M.

Present: Grignon, Acting P.J., Armstrong, J., Weisman, J. (Assigned) and J. Belcher, Deputy Clerk.

Each of the following:

B133397 People v. Walker
B134076 People v. Floyd
B138415 People v. Villa
B136312 People v. Oscuna
B137277 D.C.F.S. v. Pauline M.
B141652 D.C.F.S. v. Wayne D.

Argument waived, cause submitted.

B141545 Willdan
v.
Superior Court, Los Angeles County
(Rebecca Gomez et al., r.p.i.)

B141550 City of Paramount
v.
Superior Court, Los Angeles County
(Rebecca Gomez et al., r.p.i.)

Merits:

Argued by Robert L. Lavoie for petitioner Willdan and by Thomas E. Francis for petitioner City of Paramount and by Gregory A. Yates for real parties in interest. Cause submitted.

The court recessed at 12:30 P.M.

The court reconvened at 12:35 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J. (Assigned) and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

B138098 People
 v.
 Charles Gustave, Jr.

Merits:

Argued by William Woods, deputy attorney general, for appellant and by Felicia Grant, deputy public defender, for respondent. Cause submitted.

The court recessed at 12:45 P.M.

Court reconvened at 1:00 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J. and J. Belcher, Deputy Clerk.

Each of the following:

B134998 D.C.F.S. v Socorro L.

Argument waived, cause submitted.

B136017 People
 v.
 Jose A.

Merits:

Argued by Jan B. Norman for appellant and by Hye Y. Yang, deputy attorney general, for respondent. Cause submitted.

B135410 Daniel D'Avignon
 v.
 Val-Mot/Avenue P Associates et al.

Merits:

Argued by Lyle F. Middleton for appellant and by Robert Vedell for respondents. Cause submitted.

DIVISION FIVE (Continued)

B125800 Sanford Small
 v.
 Sunset Park Investments et al.

Merits:
Argued by Ruben Sanchez for appellants and by George Aaron Shohet for respondent. Cause submitted.

B133379 Norma Aurelio
 v.
 Bank of America

Merits:
Argued by Timothy R. Hanigan for appellant and by Thomas V. Reichert for respondent. Cause submitted.

Court adjourned at 2:05 P.M.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B132667 Operating Engineers Funds, Inc.
 v.
 City of Thousand Oaks

Argument continued to November, 2000.

B135800 Floyde
 v.
 Gonzales

Appearances:
Jess Gonzales, respondent appearing in propria persona. Argument waived by appellant. Argument waived by respondent pursuant to Rule 17(b), Calif. Rules of Court. Cause submitted.

DIVISION SIX (Continued)

B135086 Kerrigan
 v.
 Thrifty Drug

Merits:
Argued by Russell R. Ghitterman for appellants and by Sergio Bent for respondents. Cause submitted.

B135163 DeBarge
 v.
 Santa Barbara County

Merits:
Argued by Steven R. Pingel for appellant and by Martin G. McKenzie, senior deputy county counsel, for respondents. Cause submitted.

Perren, J. left the bench.

B136279 Kestly
 v.
 Empero Management

Merits:
Argued by Andrew Whitman for appellants and by Ronald K. Miyamoto for respondents. Cause submitted.

B133334 Sawyer
 v.
 San Luis Obispo County

Merits:
Argued by Corin L. Kahn for appellants, by Patrick J. Foran, deputy county counsel, for respondent San Luis Obispo County and by Douglas Hilton for respondent J. Tenbroeck, Inc. Cause submitted.

Court recessed at 10:30 A.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 PM

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B138049 Taft
 v.
 Department of Motor Vehicles

Argument continued to September, 2000.

B138745 Child Protective Services
 v.
 Dale T.

Argument waived; cause submitted.

B136361 Troutt
 v.
 Ventura County Superior Court

Merits:

Argued by Earnest C. Bell for appellant and by Melissa Suttner, deputy district attorney, for respondent People. Cause submitted.

Coffee, J. left the bench.

B137296 Aparicio
 v.
 Cisneros

Merits:

Argued by Richard L. Francis for appellants, by Esther R. Sorkin for respondents Guardado and by Howard Cho for respondent Farmers Insurance Exchange. Susan M. Latzanich appeared. Argument previously waived pursuant to Rule 17(b), Calif. Rules of Court by respondent Cisneros. Cause submitted.

DIVISION SIX (Continued)

B138393 St. Germain
 v.
 State of California

Merits:

Argued by William R. Pardee for appellant and by Ron Espinoza, deputy Attorney General, for respondents. Cause submitted.

B138534 Augustini & Wheeler
 v.
 Santa Lucia National Bank

Merits:

Argued by Alfred Augustini for appellant, by Robert M. Jones, Jr. for respondent Santa Lucia National Bank and by J. Terry Schwartz for respondent Wallace Moir Co. Cause submitted.

Court adjourned at 3:20 P.M.